REMARKS/ARGUMENTS

Claims 1-41 are pending in this application. Claims 1-5, 7, 8, 10-17, 19, 20, 22-28, 30, 31, 33-36, 39, and 41 stand rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over U.S. Patent No. 6,160,989 ("Hendricks"). Claims 6, 18, 29, 37, and 38 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of U.S. Patent No. 5,630,204 ("Hylton"). Claims 9, 21, 32 and 40 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of U.S. Patent Application No. US2002/0083441 ("Flickinger"). Applicant respectfully requests reconsideration of the present application in light of the above recited amendments and below recited remarks.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-5, 7, 8, 10-17, 19, 20, 22-28, 30, 31, 33-36, 39, and 41 stand rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over Hendricks. Applicants respectfully disagree.

The Claimed Invention

The present application discloses systems and methods for inserting advertising content into broadcast content. More specifically there is disclosed:

> "A viewer device such as, for example, a set top box (STB) located at a home or viewer location gathers data identifying the characteristics of a viewer such as, for example, the viewer's age, gender, marital status, geographic location, and viewing habits. The viewer characteristic data is used to identify advertising content corresponding to the characteristics of a viewer. . . Upon receiving the advertising content, the viewer device selects advertisements matching the viewers characteristics and inserts the selected advertisements into the broadcast programming. Thereafter, the viewer device transmits the broadcast content and inserted advertising content to a television for viewing at the home or viewer location." (Application, Summary of the invention).

In accordance with the disclosure, claim 13 is directed to a "method for inserting advertising content in broadcast programming." The claimed method comprises the following steps:

"gathering at a viewer device data identifying characteristics of a viewer;

receiving at the viewer device advertising content;

identifying at the viewer device advertising content corresponding to the characteristics of the viewer;

receiving at the viewer device broadcast content;

inserting at the viewer device into the broadcast content advertising content corresponding to the characteristics of the viewer."

In order for a reference to anticipate this claim, the reference must teach the combination of all of the claimed elements, including those emphasized. Applicants' undersigned attorney respectfully submits that the cited reference does not.

Claims 1 and 25 similarly require, "inserting at the viewer device into the broadcast content advertising content corresponding to the characteristics of the viewer." Thus, for a reference to anticipate claims 1 and 25, the reference must teach "inserting at the viewer device into the broadcast content advertising content corresponding to the characteristics of the viewer." Applicants' undersigned attorney respectfully submits that the cited reference does not.

Claim 36 requires, in pertinent part, "transmitting broadcast content to the viewer, said broadcast content having signals therein identifying intervals into which advertising content corresponding to the characteristics of the viewer can be inserted." Thus, for a reference to anticipate claim 36, the reference must teach "transmitting broadcast content to the viewer, said broadcast content having signals therein identifying intervals into which advertising content corresponding to the characteristics of the viewer can be inserted." Applicants' undersigned attorney respectfully submits that the cited reference does not.

The Cited Reference Does Not Teach the Claimed Invention

Hendricks discloses a network controller for cable television delivery systems. The network controller:

> "modifies a program control information signal *at the cable headend* before the modified signal is transmitted to each STB. This signal is used with polling methods to receive upstream data from the STB's. The invention initiates such upstream data retrieval, gathers all data received, and compiles viewer demographics information and programs watched information. The invention processes this data and information to generate packages of advertisements targeted towards each STB." (Hendricks, Abstract of the Invention).

Thus, Hendricks teaches a system wherein advertising is identified and inserted at the headend.

Importantly, and in contrast to the present invention, Hendricks does not teach, "inserting *at the viewer device* into the broadcast content advertising content corresponding to the characteristics of the viewer", as recited in independent claims 1, 13, and 25 of the present application. Furthermore, Hendricks does not teach, "identifying *at the viewer* device advertising content corresponding to the characteristics of the viewer" as recited in independent claim 13 of the present application. Additionally, Hendricks does not teach, "transmitting broadcast content *to the viewer,* said broadcast content *having signals therein identifying intervals into which advertising content corresponding to the characteristics of the viewer can be inserted*", as recited in independent claim 36 of the present application. Indeed, to the contrary, Hendricks teaches, "modifying a program signal received from the program delivery system's operations center *before the program signal is transmitted to the set top terminal* (Hendricks, col. 4, lines 18-21). Thus, not only does Hendricks not teach the claimed elements, it actually teaches away from the claimed combinations.

Applicants respectfully submit that dependent claims 2-5, 7, 8, 10-12, 14-17, 19, 20, 22-24, 26-28, 30, 31, 33-35, 39, and 41 are patentable at least by reason of their dependency.

Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejections are respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Dependent claims 6, 18, 29, 37, and 38 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of Hylton. Dependent claims 9, 21, 32 and 40 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of Flickinger. Applicants respectfully disagree and submit that such dependent claims are patentable at least by reason of their dependency. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections are respectfully requested.

CONCLUSION

In view of the above remarks, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

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